

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DISTRICT COURT  
AT ROANOKE VA. - FILED

APR 09 2008

BY: JOHN F. CORCORAN, CLERK  
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United States of America

**V.**

Marcus Lamont Sumblin

Date of Previous Judgment: February 2, 2006

(Use Date of Last Amended Judgment if Applicable)

Case No: 7:04CR00066-001

USM No: 05077-084

**Defendant's Attorney**

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ **DENIED.**    ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

**Previous Offense Level:**

Amended Offense Level:

**Criminal History Category:**

**Criminal History Category:**

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

### III. ADDITIONAL COMMENTS

The defendant was convicted of conspiracy to distribute heroin, and his guidelines computations included only amounts of that substance, not any amounts of crack cocaine. As the defendant was not sentenced under the crack cocaine guidelines, the 2007 amendments to those guidelines do not affect his sentencing range. Thus, he is not eligible for a sentence reduction under those amendments.

Except as provided above, all provisions of the judgment dated 02/02/2006 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: April 9, 2008

James C. Sully  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

James C. Turk, Senior United States District Judge  
Printed name and title